

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.A No.378-DBA of 1995(O&M)

DATE OF DECISION: September 4, 2009

STATE OF PUNJAB

...APPELLANT

VERSUS

PAWAN KUMAR AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE MOHINDER PAL.**

PRESENT: MR. A.S. GREWAL, ADDL.A.G. PUNJAB
FOR THE APPELLANT.

MR. H.S. GILL, SR.ADVOCATE
WITH MR. G.S. SIDHU, ADVOCATE

MR. H.S. SANGHA, ADVOCATE

MR. VIKRAM CHAUDHARY, ADVOCATE

MR. GULSHAN SHARMA, ADVOCATE

ASHUTOSH MOHUNTA, J.(ORAL)

The State of Punjab has challenged the judgement dated 26.9.1994, passed by the Judicial Magistrate Ist Class, Abohar vide which the respondents were acquitted of the charges under Section 420/467/471/120-B IPC.

Counsel for the respondents Mr. H.S. Gill, Sr. Advocate has submitted that an appeal on similar issue and set of facts bearing Crl.A. No.276-DBA of 1995 titled as *State of Punjab* vs. *Pawan Kumar and others*, i.e. between the same parties came up for hearing before a Division Bench of this Court and the Division Bench dismissed the appeal filed by the State of Punjab vide judgement dated 14.2.2007. Copy of the judgement

passed by the Division Bench in the above case has been placed on record. Mr. Gill, further submits that during the pendency of this appeal, the respondents have entered into a compromise with the complainant-Bank and they have paid the entire dues to the Bank. In this regard, compromise dated 2.5.2001 and 26.3.2003, have already been placed on record in connected Crl.A. No.366-DBA of 1995.

As the facts and the issue involved in the present appeal are similar to Crl.A.No.276-DBA of 1995 decided on 14.2.2007, therefore, this appeal is dismissed in same terms and reasons as State of Punjab vs. Pawan Kumar and others (supra).

**(ASHUTOSH MOHUNTA)
JUDGE**

September 4, 2009
Gulati

**(MOHINDER PAL)
JUDGE**